

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**COURTNEY FOSTER and MATTHEW
KISCADEN, on their behalf and on
behalf of similarly situated persons,**

Plaintiffs,

v.

Civ. No. 19-270 MV/JFR

CITY OF ALBUQUERQUE,

Defendant.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS
AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Proposed Findings and Recommended Disposition (“PFRD”) by United States Magistrate Judge John F. Robbenhaar, filed June 6, 2025. Doc. 137. As per Fed. R. Civ. P. 72(b)(2), objections were due no later than June 26, 2025. The parties have not filed any objections. The failure to make timely objections to the Magistrate Judge’s PFRD waives appellate review of both factual and legal questions. *U.S. v. One Parcel of Real Property*, 73 F.3d 1057, 1059 (10th Cir. 1996).

The Magistrate Judge’s PFRD recommend that: (1) Plaintiffs’ unopposed *Motion to Voluntarily Dismiss Class Action Allegations in Plaintiffs’ Complaint* (Doc. 134), filed May 30, 2025, be **GRANTED**; and (2) the Court DIRECT the Clerk of the Court to amend the case caption to omit the purported class action claims. Doc. 137 at 2. The Court has conducted its *de novo* review of the case, including a review of the evidence of record, and finds the Magistrate Judge’s proposed findings and recommendations are not clearly erroneous, contrary to law or otherwise an abuse of discretion. The Court therefore will adopt the PFRD.

IT IS THEREFORE ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 137) is adopted.

IT IS FURTHER ORDERED that Plaintiffs' unopposed *Motion to Voluntarily Dismiss Class Action Allegations in Plaintiffs' Complaint* (Doc. 134) is **GRANTED**.

IT IS FURTHER DIRECTED that the Clerk of the Court amend the case caption to omit the purported class action claims.



MARTHA A. ÁZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE